

BILL NO. 81-41

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AS AMENDED

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 81-41 (AS AMENDED)

Council Member Lehman W. Spry

Introduced by

Legislative Day No. 81-15 Date May 19, 1981

AN ACT to repeal and re-enact with amendments, Article I, heading, In General, of Chapter 10, heading, Sediment Control, all part of the Harford County Code, as amended, to provide for the regulation and control of land disturbing activities in Harford County and to provide penalties for the violation of the regulations and controls; to bring the law into conformance with modern land disturbing controls.

By the Council, May 19, 1981

Introduced, read first time, ordered posted and public hearing scheduled

on: June 16, 1981

at: 6:30 P.M.

By Order: Angela Marchese, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on June 16, 1981 and concluded on June 16, 1981.

Angela Marchese, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

BILL NO. 81-41  
AS AMENDED

1 Section 1. *Be It Enacted By The County Council Of Harford*  
2 *County, Maryland,* that Article I, heading, In General, of  
3 Chapter 10, heading, Sediment Control, of the Harford County  
4 Code as amended, be, and it is hereby repealed and re-enacted  
5 with amendments all to read as follows:

6 Chapter 10. Sediment Control.

7 Article 1. In General.

8 Section 10.1. Definitions.

9 (a) For the purpose of this Article, the following words and  
10 phrases shall have the meanings respectively ascribed to  
11 them by this section:

12 (1) AGREEMENT. THE COUNTY SEDIMENT CONTROL AGREEMENT  
13 AUTHORIZING LAND DISTURBING ACTIVITIES OF LESS THAN TWENTY-TWO  
14 THOUSAND (22,000) SQUARE FEET AND INVOLVING LESS THAN FIVE  
15 HUNDRED (500) CUBIC YARDS OF EARTH MOVEMENT.

16 (2) AGREEMENT HOLDER. ANY PERSON TO WHOM AN AGREEMENT  
17 IS ISSUED PURSUANT TO THIS ARTICLE.

18 (3) ANGLE OF REPOSE. THE ANGLE BETWEEN THE HORIZONTAL  
19 AND THE MAXIMUM SLOPE THAT A SOIL ASSUMES THROUGH NATURAL PROCESSES.

20 [(1)] (4) Approved Plan. A set of representational draw-  
21 ings or other documents submitted by an applicant as a prerequisite  
22 to obtaining a [sediment control] GRADING permit and containing  
23 such information and specifications as required by the Department  
24 and the District under regulations adopted in accordance with  
25 established procedures in order to minimize off-site sedimentation  
26 from land disturbing activities, and approved by the District  
27 as being adequate to meet the requirements of Title 8, Subtitle  
28 11, Natural Resources ARTICLE, Annotated Code of Maryland,  
29 1974, and approved by the Department as being adequate to meet  
30 the provisions of this Article.

31 [(2)] (5) Department. The Department of [Public Works]  
32 INSPECTIONS, LICENSES AND PERMITS.

1 [(3)] (6) Developer. A person, partnership or corporation  
2 constructing more than one (1) house, or one (1) house or  
3 building, for occupancy by other than the builder.

4 [(4)] (7) Director. The Director of the Department of  
5 [Public Works] INSPECTIONS, LICENSES AND PERMITS.

6 [(5)] (8) District. The Harford Soil Conservation District.

7 [(6)] (9) Erosion. The process by which the [ground] LAND  
8 surface is worn by the action of wind or water, ICE OR GRAVITY.

9 [(7)] (10) Excavating. Any act by which soil, earth, sand,  
10 gravel, rock or any similar material is cut into, dug, quarried,  
11 uncovered, removed, displaced, relocated or bulldozed, including  
12 the conditions resulting therefrom.

13 [(8)] (11) Fence, approved. A permanent, semipermanent, or  
14 portable fence not less than [forty-two] FORTY-EIGHT inches in  
15 height, so constructed and so located as approved by the permit,  
16 to surround sediment basins, steep excavations or ponding areas  
17 where it is necessary for the preservation of the health, safety  
18 and general welfare of the public or necessary to prevent possible  
19 point or nonpoint sources of pollution.

20 [(9)] (12) Fill, filled, filling. Any act by which soil,  
21 earth, sand, gravel, rock or any similar material is deposited,  
22 placed, pushed, pulled or transported, and shall include the  
23 conditions resulting therefrom.

24 [(10)] (13) Finished Grade. The final grade or elevation of  
25 the ground surface, which shall conform to the approved grading  
26 plan.

27 [(11)] (14) Grading. Any act by which soil is cleared, strip-  
28 ped, stockpiled, filled or any combination thereof.

29 [(12)] (15) Inspector. The representative of the Director  
30 of the Department of [Public Works] INSPECTIONS, LICENSES AND  
31 PERMITS assigned to approve or disapprove any plans, permits or  
32 work, OR A REPRESENTATIVE OF THE DIRECTOR OF THE DEPARTMENT

1 OF PUBLIC WORKS WHO WILL HAVE SEDIMENT CONTROL MONITORING RESPON-  
2 SIBILITY ON SITES WHERE THE DEPARTMENT OF PUBLIC WORKS INSPECTOR  
3 HAS PRIMARY INSPECTION RESPONSIBILITY.

4 [(13)] (16) Land Disturbing Activity. Any earth movement  
5 and land changes which may result in soil erosion from water  
6 or wind and the movement of sediments into any waters or water-  
7 ways or onto any lands in the state, including, but not limited  
8 to, tilling, clearing, grading, excavating, stripping, filling  
9 and related activities and the covering of land surfaces with  
10 an impermeable material.

11 [(14)] (17) Natural Ground Surface. The ground surface in  
12 its existing state before grading, stripping, excavating or  
13 filling and other land disturbing activities commence or continue  
14 after the effective date of this Act.

15 [(26)] (18) Normal Agribultural Practices. Those devices  
16 and procedures utilized in the cultivation of land in order to  
17 further crop and livestock production, and conservation of  
18 related soil and water resources. Roads or similar access con-  
19 struction for logging and timber removal operations shall not be  
20 considered part of this definition.

21 [(15)] (19) Permit. The County [sediment control] GRADING  
22 permit issued by the Department, authorizing land disturbing  
23 activities IN EXCESS OF TWENTY-TWO THOUSAND (22,000) SQUARE FEET  
24 OR MOVING FIVE HUNDRED (500) OR MORE CUBIC YARDS OF EARTH IN ANY  
25 CONTINUOUS TWELVE (12) MONTH PERIOD AND ALSO in accordance with the  
26 requirements in this Article.

27 [(16)] (20) [Permittee] PERMIT HOLDER. Any person to whom  
28 a permit is issued pursuant to this Article.

29 [(17)] (21) Person. Any person, corporation, partnership,  
30 joint venture, agency, unincorporated association, municipal  
31 corporation, County or State agency within the state or any  
32 combination thereof.

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1 (22) PROFESSIONAL ARCHITECT. AN ARCHITECT DULY  
2 REGISTERED BY THE STATE TO PRACTICE PROFESSIONAL ARCHITECTURE  
3 ~~UNDER-THE-REQUIREMENTS-OF-ARTICLE-75-1/2-OF-THE-ANNOTATED~~  
4 ~~CODE-OF-MARYLAND-1957,-AS-AMENDED-~~ INCLUDING LANDSCAPE ARCHITECTS.

5 [(18)] (23) Professional Engineer. An engineer duly regis-  
6 tered by the State to practice professional engineering under  
7 the requirements of Article 75-1/2 of the Annotated Code of  
8 Maryland, 1957, as amended.

9 [(19)] (24) Professional Land Surveyor. A person who has been  
10 duly registered and licensed under the requirements of Article  
11 75-1/2 of the Annotated Code of Maryland, 1957, as amended.

12 [(20)] (25) Sediment. Soils or other surface or subsurfaces  
13 materials transported by wind or surface water as a product of  
14 erosion.

15 [(21)] (25) Site. Any coterminous lots, tracts or parcels  
16 of land, or a series thereof, where grading, excavating or  
17 filling is, was or will be performed.

18 [(22)] (27) Slope. The inclined surface of a fill, excava-  
19 tion or natural terrain.

20 [(23)] (28) Soil. Any earth, sand, gravel, rock or other  
21 similar material.

22 [(24)] (29) Stripping. Any activity which removes the  
23 vegetative surface cover, including tree removal, clearing,  
24 grubbing and storage or removal of topsoil.

25 [(25)] (30) Watercourse or drainageway. Any natural or  
26 artificial watercourse, including, but not limited to, streams,  
27 rivers, creeks, ditches, channels, canals, conduits, culverts,  
28 drains, waterways, gullies, ravines or washes, in which water  
29 flows in a definite direction or course, either continuously or  
30 intermittently, and including any area adjacent thereto which  
31 is subject to inundation by reason of overflow or floodwater.  
32

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## 1 Section 10.2. Permits AND AGREEMENTS.

2 (a) No person shall engage in any land disturbing activity  
3 OVER TWENTY-TWO THOUSAND (22,000) SQUARE FEET OR MOVING MORE  
4 THAN FIVE HUNDRED (500) CUBIC YARDS OF EARTH IN ANY CONTINUOUS  
5 TWELVE (12) MONTH PERIOD, without first obtaining a permit from  
6 the Department of [Public Works] INSPECTIONS, LICENSES AND  
7 PERMITS, except as provided for in this Article.

8 (b) NO PERSON SHALL ENGAGE IN ANY LAND DISTURBING ACTIVITY  
9 LESS THAN TWENTY-TWO THOUSAND (22,000) SQUARE FEET OR LESS THAN  
10 FIVE HUNDRED (500) CUBIC YARDS OF EARTH MOVEMENT IN ANY CONTINUOUS  
11 TWELVE (12) MONTH PERIOD WITHOUT FIRST EXECUTING A SEDIMENT  
12 CONTROL AGREEMENT FROM THE DEPARTMENT OF INSPECTIONS, LICENSES  
13 AND PERMITS, EXCEPT AS PROVIDED FOR IN THIS ARTICLE.

14 (c) ANY LAND DISTURBING ACTIVITY MUST COMPLY WITH HARFORD  
15 COUNTY'S STORM WATER CONTROL ORDINANCE, HARFORD COUNTY CODE  
16 CHAPTER 10, ARTICLE II.

17 [(b)](d) Nothing set forth in this Article shall be construed  
18 to conflict with Title 8, Subtitle 11, Natural Resources  
19 ARTICLE, Annotated Code of Maryland, 1974, as amended. As provided  
20 by the Annotated Code of Maryland, any individual or group of  
21 individuals can be held responsible for the pollution of state  
22 waters regardless of any exemption clause included in this Article.

23 [(c)](e) No permit OR AGREEMENT shall be required under this  
24 Article for the following:

25 (1) [Except for wetlands (see Section 10-3(b)(10)),  
26 any minor land disturbing activity involving less than five  
27 hundred (500) cubic yards of earth movements, in any continuous  
28 twelve (12) month period and involving less than twenty-two  
29 thousand (22,000) square feet of disturbed surface area, and  
30 which is promptly stablized to prevent erosion and sedimentation.]

31 [(2)] (1) Normal agricultural practices. [such as tillage  
32 or cultivation of the soil in the production of crops and the

1 construction of agricultural conservation structures.]

2 [(3)] (2) Individual private septic systems which do not  
3 alter the natural terrain.

4 [(4)] (3) Authorized Harford County capital movement  
5 and public works projects; provided, that sediment and erosion  
6 control measures have been and are being employed in accordance  
7 with an approved plan for grading, erosion and sediment control  
8 approved by the [Harford Soil Conservation] District.

9 [(5)] (4) Grading and trenching for utility installations  
10 [does not require an approved sediment control plan. However,  
11 any sediment control structures that are disturbed by a utility  
12 installation must be re-established immediately.] UPON SITES  
13 COVERED BY AN APPROVED SEDIMENT CONTROL PLAN AND GRADING PERMIT,  
14 PROVIDED, HOWEVER, THAT ANY EROSION OR SEDIMENT CONTROL MEASURES,  
15 INCLUDING VEGETATIVE MEASURES, THAT ARE DISTURBED BY A UTILITY  
16 INSTALLATION MUST BE RE-ESTABLISHED BY THE END OF EACH WORK DAY.

17 ~~{5}--QUARRY-OPERATIONS-AND-THE-MINING-OR-STOCKPILING-OF~~  
18 ~~SAND,-STONE-AND-GRAVEL-AT-QUARRIES,-CONCRETE,-ASPHALT-AND-MATER-~~  
19 ~~IAL-PROCESSING-PLANTS-OR-STORAGE-YARDS,-AND-ALL-OTHER-OPERATIONS~~

20 (5) ANY "AFFECTED LAND" AREA (AS DEFINED IN SECTION  
21 7-6A-01 OF THE NATURAL RESOURCES ARTICLE OF THE ANNOTATED CODE OF  
22 MARYLAND) OF MINING OPERATIONS FOR WHICH A SURFACE MINING PERMIT  
23 HAS BEEN ISSUED BY THE STATE OF MARYLAND DEPARTMENT OF NATURAL  
24 RESOURCES, PROVIDED SEDIMENT AND EROSION CONTROL MEASURES ARE  
25 EMPLOYED TO PROTECT AGAINST OFF-SITE DAMAGE IN ACCORDANCE WITH A  
26 THE PLAN APPROVED BY THE DISTRICT AND FILED WITH THE DEPARTMENT  
27 OF INSPECTIONS, LICENSES AND PERMITS OF HARFORD COUNTY.

28 (6) MINOR LAND DISTURBING ACTIVITIES OF LESS THAN  
29 FIVE HUNDRED (500) SQUARE FEET AND INVOLVING LESS THAN TWENTY  
30 (20) CUBIC YARDS OF EARTH MOVEMENT.

1 [(d)] (f) Except as provided for above, exemption from obtain-  
2 ing permit OR AGREEMENT does not exempt the projects listed in  
3 paragraphs (1), (2), (3), (4), (5), and (6) of Subsection  
4 [(c)] (e) of this Section from other provisions of this Article,  
5 including inspection. However, exemption from obtaining a permit  
6 also exempts the [permittee] PERMIT HOLDER from the bonding and  
7 liability insurance requirements.  
8 Section 10.3. Application for a Permit.

9 (a) To obtain a permit FOR LAND DISTURBING ACTIVITY  
10 INVOLVING MORE THAN FIVE HUNDRED (500) CUBIC YARDS OF EARTH  
11 MOVEMENTS, IN ANY CONTINUOUS TWELVE (12) MONTH PERIOD AND  
12 INVOLVING MORE THAN TWENTY-TWO THOUSAND (22,000) SQUARE FEET  
13 OF DISTURBED SURFACE AREA, EXCEPT AS EXEMPTED ABOVE, an appli-  
14 cant shall first file an application therefor, in writing, upon  
15 forms furnished by the Department. The application must be  
16 signed by the owner of the property, [or an authorized agent,  
17 where] UPON WHICH the land disturbing activity is to be performed.  
18 OR HIS AUTHORIZED AGENT. If the owner is a corporation, [it] THE  
19 APPLICATION must be signed by the president or ~~vice-president~~  
20 VICE PRESIDENT, OR AN AUTHORIZED EMPLOYEE AND attested by the  
21 secretary or assistant secretary. [and the corporate seal affixed.]  
22 The application shall be accompanied by the permit fee and scale  
23 plans or drawings, including a grading, erosion and sediment control  
24 plan, approval of the State Department of Natural Resources where  
25 applicable and a bond as required in Section 10.[10] 11.

26 (b) The plans accompanying the application shall be pre-  
27 pared and certified by a professional engineer, land surveyor,  
28 INCLUDING LANDSCAPE ARCHITECTS or architect. The standards and  
29 specifications for soil erosion and sediment control in developing  
30 areas as approved by the Water Resources Administration shall serve  
31 as the official standard for erosion and sediment control in Har-  
32 ford County. [They] THE PLANS shall contain the following:



1 (1) A vicinity sketch and boundary line delineation of  
2 the site for which the permit is sought and on which the work  
3 is to be performed.

4 (2) Location of any buildings, structures, utilities,  
5 sewers, water and storm drains on the site where the work is  
6 to be performed.

7 (3) Relationship of THE site to surrounding land:  
8 existing topography, drainage and structures.

9 (4) Elevations and/or contours, dimensions, location  
10 and extent of all work proposed to be done, and the existing  
11 elevations and/or contours of the land.

12 (5) A certification of the quantity of excavation  
13 and fill involved; and, OF THE area affected by the land disturbing  
14 activity in square feet, that being the total site area less  
15 that area to remain undisturbed and certified as having effective  
16 erosion resistant ground cover.

17 (6) Detailed plans of all drainage provisions, retain-  
18 ing walls, cribbing, vegetative practices, erosion and sediment  
19 control measures, location of approved fences around sediment  
20 basins, steep excavations or ponding areas and other protective  
21 devices to be constructed in connection with, or as a part of,  
22 the proposed work, together with a map showing the drainage area  
23 of land tributary to the site, and estimated cubic foot per  
24 second runoff of the area served by any [drain] DRAINAGE SYSTEM.

25 (7) A timing schedule and sequence indicating the  
26 anticipated starting and completion dates of the development  
27 sequence, stripping and/or clearing, rough grading and con-  
28 struction, final grading and vegetative establishment and  
29 maintenance and the time of exposure of each area prior to the  
30

31  
32

1 completion of effective erosion and sediment control measures.

2 (8) A clear and definite delineation of the limits  
3 of work (i.e., showing areas to remain undisturbed and showing  
4 areas to be disturbed).

5 (9) Other plans, drawings or materials and information  
6 as required by the Department or the District.

7 (10) Special consideration shall be given to preserva-  
8 tion of wetlands. As a minimum the following shall be adhered to:

9 (a) THE vegetative tidal bank stabilization  
10 PROCEDURES LISTED in [accordance with] the standards and  
11 specifications for soil erosion and sediment control in develop-  
12 ing areas as approved by the Water Resources Administration.

13 (b) Buffer areas of seventy-five (75) feet shall  
14 be preserved or installed in addition to the vegetative tidal  
15 bank stabilization.

16 (c) Grading of wetlands shall be prohibited  
17 unless instituted to [install] ASSURE protection as addressed  
18 above.

19 (d) Fill material shall be kept out of the  
20 wetlands unless permission is granted by a [special] WETLAND  
21 LICENSE OR permit from the STATE board of [Appeals] PUBLIC WORKS  
22 OR DEPARTMENT OF NATURAL RESOURCES, RESPECTIVELY.

23 (e) Direct storm drainage discharge into wet-  
24 lands shall be reduced to four (4) feet per second (private or  
25 state).

26 (f) The Department may waive the requirement for  
27 scale plans or drawings if it finds that the information on the  
28 application is sufficient to show that the work will conform  
29 to the requirements of this Article; provided, that no such  
30 waiver shall be construed as waiving the requirements of the  
31 district.

32 (g) A separate permit shall be required for each

1 separate non-contiguous site.

2 (h) No permit shall be transferable without  
3 the written consent of the Department.

4 (i) No permit shall be issued for land dis-  
5 turbance which is for building or development not permitted by  
6 existing zoning, special exceptions and variances applicable  
7 to the land.

8 Section 10.4. APPLICATION FOR SEDIMENT CONTROL AGREEMENT.

9 (a) TO OBTAIN A SEDIMENT CONTROL AGREEMENT, FOR MOVEMENT  
10 OF LESS THAN FIVE HUNDRED (500) CUBIC YARDS OF EARTH OR TO DIS-  
11 TURB LESS THAN TWENTY-TWO THOUSAND (22,000) SQUARE FEET, AN  
12 APPLICANT SHALL FIRST COMPLETE AN AGREEMENT IN WRITING, UPON  
13 FORMS FURNISHED BY THE DEPARTMENT. THE AGREEMENT MUST BE SIGNED  
14 BY THE OWNER OF THE PROPERTY UPON WHICH THE LAND DISTURBING  
15 ACTIVITY IS TO BE PERFORMED, OR HIS AUTHORIZED AGENT. IF THE OWNER  
16 IS A CORPORATION, THE AGREEMENT MUST BE SIGNED BY THE PRESIDENT,  
17 ~~OR VICE-PRESIDENT~~ VICE-PRESIDENT, OR AN AUTHORIZED EMPLOYEE AND  
18 ATTESTED BY THE SECRETARY OR ASSISTANT SECRETARY. THE APPLICATION  
19 SHALL BE ACCOMPANIED BY THE AGREEMENT FEE, AND PLANS OR DRAWINGS  
20 FOR THE SITE.

21 (b) ANY LAND DISTURBING ACTIVITY MUST COMPLY WITH HARFORD  
22 HARFORD COUNTY STORM WATER CONTROL ORDINANCE, HARFORD COUNTY  
23 CODE CHAPTER 10, ARTICLE II.

24 (c) THE PLANS ACCOMPANYING THE AGREEMENT SHALL BE NEATLY  
25 AND CLEARLY DRAWN BY THE APPLICANT. THE STANDARDS AND SPECIFICATIONS  
26 FOR SOIL EROSION AND SEDIMENT CONTROL IN DEVELOPING AREAS AS APPROV-  
27 ED BY THE WATER RESOURCES ADMINISTRATION, SHALL SERVE AS THE OFFI-  
28 CIAL STANDARD FOR EROSION AND SEDIMENT CONTROL FOR HARFORD COUNTY.  
29 THE PLANS SHALL CONTAIN THE FOLLOWING.

30 (1) A VICINITY SKETCH AND BOUNDARY LINE DELINEATION OF  
31 THE SITE FOR WHICH THE AGREEMENT IS SOUGHT AND ON WHICH THE WORK  
32 IS TO BE PERFORMED.

(2) LOCATION OF ANY BUILDINGS, STRUCTURES, UTILITIES

1 SEWERS, WATER AND STORM DRAINS, ON THE SITE WHERE THE WORK IS  
2 TO BE PERFORMED.

3 (3) LOCATION OF PROPOSED CONSTRUCTION.

4 (4) LOCATION OF PROPOSED SEDIMENT CONTROL.

5 (5) EXISTING AND PROPOSED DRAINAGE.

6 (d) THE DEPARTMENT ~~MAY~~ SHALL WAIVE THE REQUIREMENTS FOR SCALE  
7 PLANS OR DRAWINGS IF IT FINDS THAT THE INFORMATION ON THE AGREE-  
8 MENT IS SUFFICIENT TO SHOW THAT THE WORK WILL CONFORM TO THE REQUIRE-  
9 MENTS OF THIS ARTICLE, PROVIDED THAT NO SUCH WAIVER SHALL BE  
10 CONSTRUED AS WAIVING THE REQUIREMENTS OF THE DISTRICT.

11 (e) A SEPARATE AGREEMENT SHALL BE REQUIRED FOR EACH SEPARATE  
12 BUILDING SITE OR AREA OF LESS THAN 22,000 SQUARE FEET OF DISTURBED  
13 AREA EARTH OR THE MOVING OF EARTH LESS THAN 500 CUBIC YARDS OF  
14 EARTH. IN NO CASE MAY THE APPLICANT OR HIS REPRESENTATIVE ~~USE~~  
15 THIS AGREEMENT FOR MORE THAN THREE CONTIGUOUS LOTS- APPLY FOR MORE  
16 THAN THREE (3) AGREEMENTS IN ANY TWELVE (12) MONTH PERIOD WHEN THE  
17 AGREEMENTS APPLY TO CONTIGUOUSLY LOCATED BUILDING SITES.

18 (f) NO AGREEMENT SHALL BE TRANSFERABLE WITHOUT THE WRITTEN  
19 CONSENT OF THE DEPARTMENT.

20 (g) NO AGREEMENT SHALL BE ISSUED FOR LAND DISTURBANCE IN  
21 CONJUNCTION WITH BUILDING OR DEVELOPMENT NOT PERMITTED BY  
22 EXISTING ZONING.

23 Section [10.4] 10.5. Permits - Referral of Plans.

24 (a) Prior to the issuance of a permit, a copy of the plan  
25 shall be referred to the District for review and approval of the  
26 proposed erosion and sediment control measures, and shall be  
27 referred to the Department of Natural Resources where required  
28 by State law. The Department of Natural Resources and the  
29 District shall, within thirty (30) days notify the Department of  
30 their recommendations and/or approval so that the applicant may be  
31 notified in a timely manner.

32 (b) IF A PERMIT HAS NOT BEEN ISSUED WITHIN ONE YEAR OF

1 APPROVAL OF PLANS, THE PLANS SHALL BE SUBJECT TO AN UPDATED  
2 REVIEW BY THE DISTRICT.

3 Section 10.6. PERMITS - Modification of Plans.

4 (a) Major modifications of the approved plans shall be  
5 submitted to the Department and reprocessed in the same manner  
6 as the original plan and referred in accordance with Section  
7 [10.4] 10.5 of this Article where:

8 (1) Inspection has revealed the inadequacy of the plan  
9 to accomplish the erosion and sediment objectives of the plan,  
10 and appropriate modifications to correct the deficiency of  
11 the plan are approved by the District.

12 (2) The person responsible for carrying out the  
13 approved plan finds that, because of changed circumstances or  
14 for other reasons, the approved plan cannot be effectively  
15 carried out and proposes revisions to the plan that are consis-  
16 tent with the requirements of this ordinance [ARTICLE] and rules  
17 and regulations promulgated pursuant thereto, and the District  
18 and Department approve the proposed revisions.

19 (3) The Department may, WITH BOTH PERMIT HOLDERS  
20 AND AGREEMENT HOLDERS, in emergency situations and at its  
21 discretion, order repairs or modifications in order to protect  
22 stream channels, other properties or the general public from  
23 damage, to remain in effect until such modifications or revisions  
24 to the plan shall have been approved and implemented. PRIOR  
25 APPROVAL BY THE STATE WATER RESOURCES ADMINISTRATION MAY BE  
26 REQUIRED FOR WORK IN THE 100 YEAR FLOOD PLAIN.

27 (b) Field modifications of a minor nature where such changes  
28 do not render the plan ineffective may be authorized by the  
29 Department; provided, that written authorization is given to the  
30 person performing work pursuant to this Article with a copy  
31 forwarded in a timely manner to the District.

32 Section [10.6] 10.7. Fees.

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1 The Department shall [by regulation, prior to the issuance of  
2 any permit establish permit] PROPOSE LEGISLATION ESTABLISHING  
3 PERMIT, AGREEMENT and inspection fees, and [set] SETTING nonre-  
4 fundable fee schedules for filing, additional submissions  
5 and permit OR AGREEMENT extensions in an amount not to exceed  
6 the reasonable cost of administering and enforcing this Article.  
7 Such fees may be based upon reasonable classifications of  
8 land disturbing activities.

9 Section [10.7] 10.8. Fees PERMITS - Conditions Upon Issuance.

10 In granting any permit OR AGREEMENT, the Director may  
11 attach such conditions thereto as he may deem reasonably nece-  
12 sary to prevent sedimentation or pollution to public or private  
13 property or any sewer, storm drain or watercourse; [and] to prevent  
14 the operation from being conducted in a manner hazardous to life  
15 or property, or in a manner likely to create a nuisance or  
16 source of pollution. Such conditions may include, but are not  
17 limited to, the erection or installation of walls, drains, dams  
18 and structures, plantings, erosion and sediment control measures  
19 or devices, furnishing necessary easements and a specified method  
20 of performing the work which shall be identified on the sediment  
21 control plan submitted for approval. No permit shall be issued  
22 until a sediment control plan is approved by the District, and the  
23 owner certifies that all land disturbing activities shall be  
24 performed pursuant to the sediment control plan and modifications  
25 incorporated pursuant to Section [10.5] 10.6 herein. The approved  
26 plan shall be a condition of and part of the permit. No person  
27 shall violate any such conditions so imposed.

28 Section [10.8] 10.9. Fees PERMITS - Expiration; Extension.

29 (a) Every permit issued hereunder shall expire at the end of  
30 the period of time set out in the permit. However, no permit  
31 period shall exceed twelve (12) months. The [permittee] PERMIT  
32 HOLDER shall fully perform and complete all of the work required

1 to be done within one year after the date of issuance, unless  
2 specified otherwise by the Department for good cause shown. If the  
3 [permittee] PERMIT HOLDER shall be unable to complete the work  
4 within the specified time, he shall, within NOT LESS THAN thirty  
5 (30) days prior to expiration of the permit, present in writing  
6 to the Department a request for an extension of time, not to  
7 exceed six (6) months, setting forth therein the reasons for the  
8 requested extension. If, in the discretion of the Director,  
9 such an extension is warranted, he may grant additional time for  
10 the completion of the work for an additional fee that shall be  
11 one-twelfth (1/12) of the original fee for each month or part  
12 of a month that the extension is granted. Where the Director  
13 determines that the extension of time will require a substantial  
14 modification of the grading, erosion and sediment control plan,  
15 any extension of a permit shall be subject to approval of a re-  
16 vised sediment control plan by the District.

17 (b) THE SEDIMENT CONTROL AGREEMENT SHALL STAY IN EFFECT  
18 FOR AS LONG AS THE ACCOMPANYING BUILDING PERMIT IS IN EFFECT. IF  
19 THE AGREEMENT IS NOT ACCOMPANIED BY A BUILDING PERMIT, THEN THE  
20 AGREEMENT SHALL EXPIRE ONE YEAR FROM DATE OF ISSUANCE.

21 Section [10.9] 10.10 Fees PERMITS - Revocation or Suspension.

22 (a) Any permit OR AGREEMENT issued under this Article may  
23 be revoked or suspended by the Director, after notice, for:

24 (1) Violation of the plan or of any other condition  
25 of the permit OR AGREEMENT.

26 (2) Violation of any provision of this ordinance or  
27 any other applicable law, ordinance, rule or regulation relating  
28 to the work.

29 (3) Existence of any condition or the doing of any  
30 act constituting or creating a nuisance, hazard or endanger-  
31 ing human life or the property of others.

32 (b) In addition to the authority set forth in Subsection (a),

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1 the Director and/or inspector may post a site with an order  
2 directing the [permittee] PERMIT HOLDER OR AGREEMENT HOLDER to  
3 cease all land disturbing activity being performed under permits  
4 OR AGREEMENTS issued under this ordinance when such  
5 activity does not conform to the specifications, including  
6 modifications thereof, of an approved plan or other conditions  
7 of the permit issued hereunder, provided that:

8 (1) Written notice to comply will be furnished within  
9 seven (7) days to the [permitted] PERMIT HOLDER OR AGREEMENT HOLDER  
10 by regular mail and addressed to the address of the [permittee]  
11 PERMIT HOLDER OR AGREEMENT HOLDER as stated on the application  
12 for a permit OR AGREEMENT.

13 (2) The notice includes the nature of the corrective  
14 measures required and the time within which corrections shall  
15 be made.

16 (c) Nothing contained in this Section shall be interpreted  
17 as restricting the Department from proceeding directly with a  
18 cease and desist order or with alternative enforcement procedure  
19 as set forth in Section [10.20] 10.23..  
20 Section [10.10] 10.11. Performance Bond.

21 (a) The Director shall, before issuing a permit, require a  
22 cash or corporate bond or other approved security in the form  
23 and manner prescribed by the County Attorney, conditioned upon  
24 the faithful performance of the conditions in the permit and  
25 soil erosion and sediment control measures specified in the  
26 permit within the time specified by the Director. Collateral re-  
27 quired by this Section shall be Three Hundred Dollars (\$300) plus  
28 Three Cents (3¢) per square foot of the area included in the land  
29 disturbing activity, plus such amounts as deemed necessary  
30 by the Director to secure the cost of improvements required in  
31 approved plans. A corporate bond shall be maintained and renewed  
32 annually and shall be executed by a surety or guarantee company



1 qualified to transact business in the State of Maryland. A cash  
2 bond shall be deposited with the Treasurer of Harford County, who  
3 shall give his receipt therefor, reciting that the cash has been  
4 deposited in compliance with and subject to the provisions of this  
5 Section. The bond OR APPROVED SECURITY shall obligate the principal,  
6 his executors, administrators, successors and assigns, jointly and  
7 severally with the surety and shall inure to the benefit of  
8 the County, its officers, employees and to any person aggrieved  
9 by the principal's failure to comply with the conditions thereof.  
10 The principal and the surety shall, under the bond OR APPROVED  
11 SECURITY, continue to be firmly bound under a continuing obliga-  
12 tion for the payment of all necessary costs and expenses or  
13 liabilities which may be incurred or expended by the Department  
14 to meet the minimum requirements of this Article.

15 (b) Whenever the Department shall find that a default has  
16 occurred in the performance of any term or condition of the permit  
17 or bond OR OTHER APPROVED SECURITY, written notice thereof shall  
18 be given to the principal and to the surety of the [bond] SECURITY.  
19 Such notice shall state the work to be done, the estimated cost  
20 thereof and the period of time deemed by the Department to be  
21 reasonably necessary for the completion of such work.

22 (c) If a cash bond has been posted, notice of default as  
23 provided by the preceding paragraphs shall be given to the  
24 principal, and if compliance is not had within the time specified,  
25 the Department shall proceed without delay and without further  
26 notice or proceedings whatsoever to use the cash deposited,  
27 or any portion of such deposit, to cause the required work to be  
28 done by contract or otherwise in the discretion of the Director.

29 (d) In the event of any default in the performance of any  
30 term or condition of the permit [or], bond, OR OTHER APPROVED  
31 SECURITY, the County, the surety or any person employed or engaged  
32 on his behalf shall have the right to go upon the site to complete

1 the required work necessary to control erosion and sedimentation  
2 or make it safe. In the event the Department undertakes the  
3 required work or makes the site safe with the funds from the for-  
4 feited cash or corporate [bond] SECURITY, such funds shall be used  
5 to pay the cost of contracting, including engineering and adminis-  
6 tration, for necessary restoration of the site to control erosion  
7 and sedimentation within the requirements of the plan, permit,  
8 bond, SECURITY or this Article. If the cost of the work necessary  
9 to control erosion and sedimentation or to make it safe exceeds  
10 the amount of [the cash or corporate] SECURITY POSTED [bond], the  
11 [permittee] PERMIT HOLDER shall continue to be firmly bound  
12 under a continuing obligation for payment of all excess costs  
13 and expenses incurred by the County. The cost and expenses shall  
14 be a lien upon all property and all rights to property, real  
15 or personal, of any person liable to pay the same from and after  
16 the time said cost is due and payable. The cost shall be listed  
17 on the tax bill and shall be collected in the manner or ordinary  
18 taxes.

19 (e) No person shall interfere with or obstruct the ingress  
20 or egress to or from any such site or premises by an authorized  
21 representative or agent of any surety or of the Department engaged  
22 in completing the work required to be performed under the permit  
23 or in complying with the terms or conditions thereof.

24 (f) [A corporate bond] THE SECURITY POSTED shall remain in  
25 full force and effect until a completion certificate issued pursu-  
26 ant to Section [10-15] 10-16. A cash bond shall be returned to the  
27 depositor or to his successors or assigns upon issuance of a  
28 completion certificate for the work in accordance with Section  
29 [10-15] 10-16, except any portion thereof that may have been  
30 used. Failure to maintain the above required surety shall auto-  
31 matically operate as a temporary revocation of any and all permits  
32 issued by Harford County to the [permittee] PERMIT HOLDER, his

1 successors and assigns in interest.

2 Section [10.11] 10.12. Liability Insurance.

3 If, in the opinion of the Director, the nature of the  
4 work is such that it may create a hazard to human life or  
5 endanger adjoining property or property at a higher or lower  
6 elevation, or any street or street improvement, or any other  
7 public property, then the Director may, before issuing the  
8 permit, require that the applicant for a permit file a certi-  
9 ficate of insurance showing that he is insured against claims  
10 for damages for personal injury and property damage in an  
11 amount not less than twenty-five thousand dollars (\$25,000)  
12 including damage to the County by deposit or washing of material  
13 onto County streets or other public improvements, which may  
14 arise from or out of the performance of the work, whether such  
15 performance be by himself, his subcontractor or any person  
16 directly or indirectly employed by him, and the amount of such  
17 insurance shall be prescribed by the Director in accordance  
18 with the nature of the risks involved. Such insurance shall  
19 be written by a company licensed to do business in the state  
20 and approved by the County. Neither issuance of a permit nor  
21 compliance with the provisions hereto or any condition imposed  
22 by the Department shall relieve any person from any responsibility  
23 for damage to persons or property otherwise imposed by law, nor  
24 impose any liability upon the County for damage to persons or  
25 property. Failure to maintain the required liability insurance  
26 shall automatically operate as a temporary revocation of any and  
27 all permits issued by Harford County to the [permittee] PERMIT  
28 HOLDER, his predecessors or successors and assigns in interest.

29 Section [10.12] 10.13. Maintenance Bond.

30 The Director may, where he deems it necessary to protect  
31 the property or health, safety or general welfare of other persons  
32 or the public in general, required the [permittee] PERMIT HOLDER

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1 to post a maintenance bond OR OTHER APPROVED SECURITY in the form  
2 and manner prescribed by the County Attorney, for a period of  
3 twelve (12) months following the completion of the land dis-  
4 turbing activities for which the permit was issued. The [bond]  
5 SECURITY shall cover latent defects in [or] labor and/OR  
6 material required to maintain all grade surfaces, walls,  
7 drains, dams, structures, slopes, vegetation and sediment  
8 control measures and other protective devices and damages  
9 resulting from construction equipment and vehicles doing work  
10 in that portion of the area covered by the terms of the permit.  
11 The amount of the [bond] SECURITY shall be equal to or greater  
12 than ten percent (10%) of the construction cost as determined by  
13 the Director.

14 Section [10.13] 10.14. Inspection.

15 (a) ON SITES WHERE A PUBLIC WORKS INSPECTOR HAS PRIMARY  
16 INSPECTION RESPONSIBILITY FOR WORK BEING DONE, HE SHALL ALSO BE  
17 RESPONSIBLE FOR MONITORING OF SEDIMENT CONTROL. HOWEVER, THE  
18 SEDIMENT CONTROL INSPECTOR FROM THE DEPARTMENT OF INSPECTIONS,  
19 LICENSES, AND PERMITS SHALL HAVE FULL SEDIMENT CONTROL ENFORCE-  
20 MENT RESPONSIBILITY ON THESE SITES, INCLUSIVE OF SUCH ITEMS  
21 AS MINOR PLAN CHANGES, VIOLATION NOTICES, STOP WORK ORDERS AND  
22 OTHER ENFORCEMENT PROCEDURES.

23 [(a)] (b) No land disturbing activity shall proceed until  
24 approved by the [department and the soil conservation district]  
25 DISTRICT AND/OR THE DEPARTMENT. All work shall be performed  
26 in accordance with a schedule shown on the approved plan or  
27 a revised schedule approved by the Department and [Soil  
28 Conservation] THE District.

29 [(b)] (c) After commencing initial land disturbing activity,  
30 the department shall inspect at the following stages:

31 (1) Upon completion of stripping, clearing and the  
32 stockpiling of soil, but prior to related off-site land disturbing

0000 6 PAGE 002

1 activities.

2 (2) During rough grading, including hauling of  
3 imported or wasted materials.

4 (3) Upon completion of rough grading, but prior to  
5 placing topsoil, permanent drainage systems, ground covers or  
6 other permanent site development improvements identified on the  
7 approved plan.

8 (4) Upon completion of final grading, including  
9 established ground covers and planting, and installation of all  
10 vegetative measures and all other work in accordance with the  
11 approved plan.

12 [(c)] (d) THE APPLICANT, AFTER RECEIVING NOTIFICATION OF PENDING  
13 PERMIT APPROVAL, BASED UPON PRE-CONSTRUCTION CONFERENCE FINDINGS,  
14 [the permittee] shall notify the Department NOT LESS THAN forty-  
15 eight hours (48) before [commencing] THE INTENDED COMMENCEMENT OF  
16 any disturbing activities. Upon receiving such notice, the  
17 Department shall [inspect the work and notify the permittee of  
18 its approval or in what respect there has been a failure to  
19 comply with the requirements of this Article] SCHEDULE AN ON-  
20 SITE PRE-CONSTRUCTION CONFERENCE. [Any portion of the work  
21 which does not comply shall be promptly corrected by the  
22 permittee. The Department may make additional inspections as  
23 it deems appropriate and shall have the right to waive inspections,  
24 except for the final inspection as provided in Section 10-15.]  
25 UPON COMPLETION OF THE ON-SITE PRECONSTRUCTION CONFERENCE,  
26 IF NO PROBLEMS ARE REVEALED, THEN THE GRADING PERMIT WILL BE  
27 ISSUED AND WORK WITHIN THE SCOPE OF THE PERMIT MAY START.

28 (e) THE DEPARTMENT MAY REQUIRE ADDITIONAL INSPECTIONS AS  
29 IT DEEMS APPROPRIATE, AND SHALL HAVE THE RIGHT TO WAIVE INSPEC-  
30 TIONS, EXCEPT FOR THE FINAL INSPECTIONS AS PROVIDED IN SECTION  
31 10-18.

32 [(d)] (f) The Department shall maintain a permanent file of its

1 inspections.

2 [(e)] (g) When sediment control plans for land disturbing  
3 activities include the use of water retention structures such  
4 as ponds, catchbasins and related facilities and when such plans  
5 show by affidavit that they have been prepared by a licensed  
6 professional engineer or land surveyor and that said licensed  
7 professional engineer or land surveyor will supervise the  
8 construction of such facilities in accordance with the provi-  
9 sions of such plans and regulations adopted in accordance with  
10 this Article, the Director may waive the inspections required  
11 by this Section. Before the issuance of a completion certificate  
12 in accordance with Section [10-15] 10-18, said licensed professional  
13 engineer or land surveyor shall certify to the Department that  
14 the facilities included on the approved plan have been constructed  
15 in accordance with said plan or modifications made thereto and  
16 approved by the Department and District.

17 Section [10.14] 10.15. Maintenance of Structures, Measures and  
18 Devices.

19 The [permittee] PERMIT HOLDERS OR AGREEMENT HOLDERS or the  
20 owner of any property on which work has been done pursuant to  
21 a permit OR AGREEMENT granted hereunder, or any other  
22 person or agent in control of such property, shall maintain in  
23 good condition and promptly repair or restore all grade surfaces,  
24 walls, drains, dams and structures, plantings, vegetation, erosion  
25 and sediment control measures and other protective devices. Such  
26 repair or restoration and maintenance shall be in accordance  
27 with the approved plans, specifications and permits as required  
28 by this Article until permanent measures are accepted by the  
29 Department.

30 Section 10.16. GRADING REQUIREMENTS.

31 ALL PERSONS DESIRING TO GRADE OR EXCAVATE IN HARFORD COUNTY  
32 SHALL BE REQUIRED TO FOLLOW THE PROCEDURES AND REQUIREMENTS OF

1 TITLE 8. SUBTITLE 11, NATURAL RESOURCES ARTICLE, ANNOTATED CODE  
2 OF MARYLAND, 1974 VOLUME, AS AMENDED, THE STANDARDS AND SPECIFICA-  
3 TIONS FOR SOIL EROSION AND SEDIMENT CONTROL IN DEVELOPING AREAS  
4 (PREPARED BY THE U. S. DEPARTMENT OF AGRICULTURE, SOIL CONSERVA-  
5 TION SERVICE DATED JULY, 1975) AS AMENDED FROM TIME TO TIME, AND  
6 THE MARYLAND STATE SEDIMENT CONTROL REGULATIONS, COMAR .09.05.01,  
7 AS AMENDED FROM TIME TO TIME.

8 Section 10.17. REQUIREMENTS FOR GRADING AND EXCAVATING.

9 (a) NO PERSON SHALL CHANGE THE NATURAL GROUND LEVEL  
10 OF ANY LOT OR PARCEL IN ANY WAY WHICH RESULTS OR MAY RESULT  
11 IN ANY CHANGING OF THE DIRECTION, VOLUME, DISTRIBUTION OR VELOCITY  
12 OF THE FLOW OF SURFACE WATER ON OR OVER ANY ADJOINING PRIVATE  
13 OR PUBLIC PROPERTY WITHOUT OBTAINING THE APPROVAL OF THE DEPART-  
14 MENT OF PUBLIC WORKS AND THE DEPARTMENT OF INSPECTIONS, LICENSES  
15 AND PERMITS AND HAVING BEEN ISSUED A VALID PERMIT TO PERFORM  
16 THE PROPOSED GRADING. WHENEVER GROUND AND/OR SURFACE WATER  
17 EXISTS ON A LOT OR PARCEL, THE METHOD OF DISPOSAL SHALL BE  
18 APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND THE SEDIMENT  
19 CONTROL INSPECTOR.

20 (b) CUT SLOPES - IF, WHEN GRADING A LOT OR PARCEL, THE NEW  
21 GRADE IS LOWERED BELOW THE GROUND LEVEL OF THE ADJOINING  
22 PROPERTY, THE NEW GRADE SHALL SLOPE AT AN ANGLE LESS THAN  
23 ONE FOOT VERTICAL TO TWO FEET HORIZONTAL, TO MEET THE GRADE OF  
24 THE ADJOINING PROPERTY AT THE LINE. IF THE SLOPE REQUIREMENTS  
25 STATED HEREIN CANNOT BE MET, A RETAINING WALL SHALL BE BUILT  
26 ENTIRELY ON THE GROUND OF THE OWNER CAUSING THE GRADING,  
27 FOR WHICH A BUILDING PERMIT WILL BE REQUIRED.

28 (c) FILL SLOPES - IF, WHEN GRADING A LOT OR PARCEL, THE  
29 NEW GRADE IS RAISED ABOVE THE SURFACE OF THE GROUND LEVEL OF THE  
30 ADJOINING PROPERTY, THE FILL SHALL BE SLOPED DOWN TO MEET THE  
31 EXISTING GRADE ON AN ANGLE LESS THAN THE ANGLE OF REPOSE OF THE  
32 MATERIAL BUT NOT STEEPER THAN ONE FOOT VERTICAL TO TWO FEET

1 HORIZONTAL AND AT NO POINT SHALL THE TOE OF THE SLOPE, PLUS  
2 AN ADEQUATE STORM DRAIN SYSTEM OR SWALE EXTENDING TO AN  
3 APPROVED TERMINATION, EXTEND BEYOND THE ADJOINING PROPERTY  
4 LINE. IF THE SLOPE REQUIREMENT HEREIN CANNOT BE MET, A RETAINING  
5 WALL SHALL BE BUILT ENTIRELY UPON THE LAND OF THE OWNER CAUSING  
6 THE FILL TO BE MADE FOR WHICH A BUILDING PERMIT WILL BE REQUIRED.

7 (d) ALL STUMPS, LOGS AND OTHER MATERIALS SUBJECT TO DECAY  
8 SHALL BE REMOVED BEFORE ANY FILL MATERIALS ARE PLACED AND NO SUCH  
9 FILL MATERIAL SHALL CONTAIN MORE THAN TEN PERCENT (10%) ORGANIC  
10 MATTER. HOWEVER, STUMPS MAY REMAIN IN PLACE IF CUT OFF AT GROUND  
11 LEVEL WHERE FILLING EXCEEDS THREE FEET OR MORE AND IS A MINIMUM  
12 OF TWENTY FEET FROM ANY PROPOSED FOOTING. ON SITES WHERE  
13 BUILDINGS OR OTHER STRUCTURES ARE TO BE ERECTED, FILL WITH  
14 GREATER THAN TEN PERCENT (10%) ORGANIC MATTER WILL BE PERMITTED  
15 IN ALL AREAS A DISTANCE OF FORTY FEET (40) FROM ANY PROPOSED  
16 FOOTINGS.

17 (e) IN THE FINAL GRADING AROUND ANY BUILDING, A POSITIVE  
18 GRADE IS REQUIRED AWAY FROM THE BUILDING AND OUTFALLING INTO AN  
19 EXISTING STORM DRAIN SYSTEM, DRAINAGE SWALE OR OTHER APPROVED  
20 SUITABLE AREA. ALL GRADING SHALL BE ACCOMPLISHED IN SUCH A  
21 MANNER AS TO PREVENT THE PONDING OF SURFACE DRAINAGE IN LOW  
22 AREAS OR THE STANDING OF WATER IN STABILIZED AREAS DUE TO THE  
23 INSTALLATION OF GRADIENTS INADEQUATE TO CARRY SURFACE DRAINAGE.

24 (f) UPON THE COMPLETION OF THE FINAL GRADING ALL DENUDED  
25 (STRIPPED) AREAS WITH THE EXCEPTION OF ANY CRITICAL AREAS WHICH  
26 MAY REQUIRE SPECIAL TREATMENT ARE TO BE STABILIZED WITH SOD OR  
27 SEED AND MULCH. STABILIZATION OF PROPERTY IMPROVED WITH RESI-  
28 DENTIAL OR COMMERCIAL BUILDINGS SHALL BE COMPLETED AND APPROVED  
29 PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT FOR THE STRUCTURE.  
30 THE ONLY EXCEPTION TO THIS REQUIREMENT SHALL BE A SITE COMPLETED  
31 DURING THE WINTER MONTHS OF THE YEAR WHEN STABILIZATION IS  
32 IMPOSSIBLE. IN SUCH CASES THE FINAL STABILIZATION SHALL BE



1 COMPLETED PRIOR TO THE FOLLOWING APRIL 30TH.

2 (g) THE PERMIT HOLDER OR AGREEMENT HOLDER SHALL STABILIZE  
3 TEMPORARILY WITH SEED AND/OR STRAW MULCH ALL DISTURBED AREAS  
4 WITHIN THIRTY (30) CALENDAR DAYS AFTER STRIPPING AND GRADING  
5 ACTIVITIES HAVE CEASED IN THAT DISTURBED AREA. AREAS USED FOR  
6 STOCKPILING, CONSTRUCTION ACCESS ROADS, DRIVEWAYS, PARKING LOTS,  
7 AND BUILDING CONSTRUCTION AREAS ADJACENT TO AND WITHIN FIFTY  
8 FEET (50) OF AN INCOMPLETE IMPROVEMENT, SHALL BE EXEMPTED FROM  
9 THE REQUIREMENT, PROVIDED THESE AREAS ARE DESIGNATED ON THE APPROVED  
10 PLAN, AND PROVIDE EROSION AND SEDIMENT CONTROL MEASURES ARE  
11 INSTALLED TO PREVENT OFF-SITE SEDIMENTATION. DURING THE MONTHS OF  
12 NOVEMBER THROUGH FEBRUARY, WHEN SEEDING AND SODDING ARE FOUND TO  
13 BE IMPRACTICAL, AN APPROVED MULCH, SUCH AS STRAW SHALL BE APPLIED  
14 AND ANCHORED. IN SUCH CASES, SEEDING OR OTHER STABILIZATION  
15 SHALL BE COMPLETED PRIOR TO THE FOLLOWING APRIL 30TH, IF FURTHER  
16 STABILIZATION IS NECESSARY. TEMPORARY STABILIZATION IS NOT  
17 REQUIRED IF PERMANENT STABILIZATION CAN BE APPLIED WITHIN  
18 DAYS (60) AFTER STRIPPING AND GRADING ACTIVITIES HAVE CEASED, PRO-  
19 VIDED SUCH AREAS ARE DESIGNATED ON THE APPROVED PLAN AND EROSION  
20 AND SEDIMENT CONTROL MEASURES ARE INSTALLED TO PREVENT OFF-SITE  
21 SEDIMENTATION. THE PERMIT HOLDER OR AGREEMENT HOLDER SHALL  
22 STABILIZE PERMANENTLY ALL DISTURBED AREAS WITHIN FOURTEEN  
23 CALENDAR DAYS FOLLOWING REMOVAL OF THE EROSION OF SEDIMENT  
24 CONTROL MEASURES OR ONCE THE PROPERTY IS AT FINISHING GRADE.  
25 WHEN PROPERTY IS BROUGHT TO FINISHED GRADE DURING THE MONTHS  
26 OF NOVEMBER THROUGH FEBRUARY, AND SEEDING AND SODDING IS FOUND  
27 TO BE IMPRACTICAL, AN APPROVED MULCH SUCH AS STRAW SHALL BE  
28 APPLIED AND ANCHORED TO CRITICAL AREAS, AS APPROPRIATE. THE  
29 FINAL PERMANENT STABILIZATION OF SUCH PROPERTY SHALL BE COMPLETED  
30 PRIOR TO THE FOLLOWING APRIL 30TH.

31 (h) WHENEVER ANY EXCAVATION IS MADE AT OR CLOSE TO AN  
32 EXISTING PUBLIC RIGHT-OF-WAY, NO PART OF ANY SUCH EXCAVATION

1 SHALL EXTEND INTO SAID STREET, ALLEY OR OTHER PUBLIC WAY  
2 WITHOUT THE APPROVAL OF THE DEPARTMENT OF PUBLIC WORKS. THE  
3 SIDES AND/OR BANKS OF ANY SUCH EXCAVATION SHALL BE SUPPORTED BY  
4 ADEQUATE AND APPROVED MEANS, SO THAT THERE WILL BE NO MOVING,  
5 SETTling OR CAVING OF THE SAME AND SO THAT THERE WILL BE NO  
6 DAMAGE TO ANY PAVING OR ANY SURFACE OR SUBSURFACE STRUCTURES.  
7 Section [10.15] 10.18. Completion.

8 Immediately upon completion of the project, the [permittee]  
9 PERMIT HOLDER shall notify the Department. The Department shall  
10 make a final inspection and shall prepare a final inspection  
11 report, a copy of which shall be submitted to the District.

12 If, upon final inspection of any work, it is found by the  
13 Department that the work subject to inspection has been satis-  
14 factorily completed in accordance with the requirements of this  
15 Article, the permit, conditions, plans, drawings and specifications  
16 as the case may be, and the required reports have been submitted,  
17 a completion certificate covering such work shall be issued to  
18 the owner by the Department. The Performance Bond will be returned  
19 at this time.

20 Section [10.16] 10.19. Protection to Adjacent Property.  
21 During Excavation.

22 No person shall excavate on land sufficiently close to the  
23 property line of another to endanger any adjoining property,  
24 public street, sidewalk, alley or other public or private property  
25 without supporting and protecting such public street, sidewalk,  
26 alley or other property from settling, cracking or other  
27 damage which might result from excavation. If, in the opin-  
28 ion of the Director, the nature of the excavation is such  
29 as to create a hazard to life or property unless adequately  
30 safeguarded, the applicant shall construct such walls,  
31 fences, guard rails or other structures to safeguard the  
32 public street, sidewalk, alley or other property and per-

1 sons using such, as the Director may require.

2 Section [10.17] 10.20. Deposits of Soils, Material or Liquid  
3 Prohibited.

4 (a) No person shall engage in any land disturbing activity  
5 or by any action cause or permit any soil, earth, sand, gravel,  
6 rock, stone or other material or liquid to be deposited upon or  
7 to roll, flow or wash upon or over the premises of another in  
8 a manner to cause damage to such premises without the express  
9 consent of the owner of such premises affected; no person shall  
10 engage in any land disturbing activity or by any action cause  
11 or permit any soil, earth, sand, gravel, rock, stone or other  
12 material or liquid to be deposited or to roll, flow or wash  
13 upon or over any public street, street improvement, road, sewer  
14 storm drain, watercourse or right-of-way, or any public or  
15 private property, in a manner to damage or to interfere with the  
16 use of such property.

17 (b) No person shall, when hauling soil, earth, sand, gravel,  
18 rock, stone or other material over any public street, road, alley,  
19 or public property, allow such materials to blow or spill over  
20 and upon such street, road, alley or public property or adjacent  
21 private property.

22 (c) If any soil, earth, sand, gravel, rock, stone or  
23 other material or liquid is caused to be deposited upon or to  
24 roll, flow or wash upon any public or private property in viola-  
25 tion of Subsections (a) and (b) above, the person responsible  
26 shall be notified and shall cause it to be removed from such  
27 property within thirty-six (36) hours. In the event of an  
28 immediate danger to the public health or safety, notice shall  
29 be given by the most expeditious means, and the material or  
30 liquid shall be removed immediately. In the event it is not  
31 so removed, the Department shall cause such removal, and the  
32 cost of such removal by the Department shall be paid to the

County by the person who failed to so remove the material and shall be a debt due to the County. The cost of such removal shall be a lien upon all property and all rights to property, real or personal, of any person liable to pay the same from and after the time such cost is due and payable. The cost of such removal shall be listed on the tax bill and shall be collected in the manner of such taxes; provided, however, that nothing contained in this Section shall be interpreted as prohibiting the Department from proceeding directly with alternative enforcement procedures set forth in Section [10.20] 10.23 or declaring a forfeiture of the posted security to the extent of the cost insured by the County. Failure of the surety or [permittee] PERMIT HOLDER from honoring the demands of the County for the costs incurred shall automatically operate as a termination of all permits issued by Harford County to the [permittee] PERMIT HOLDER, his predecessors, successors and assigns interest.

Section [10.18] 10.21. Rules and Regulations.

(a) The Director may establish rules and regulations for the administration of the provisions of this Article in accordance with [the established procedures of the Executive Branch,] SECTION 80 OF THE HARFORD COUNTY CHARTER, with opportunity for full participation from the [Harford Soil Conservation] District and shall obtain the recommendations from the District prior to a public hearing being held. Such rules and regulations and amendments thereto shall not conflict with nor waive any provisions of this Article nor be less restrictive than its provisions.

(b) Regulations promulgated pursuant to this Article shall include, but not be limited to, the following provisions:

(1) Maximum duration of exposure.

(2) [Critical slope of protection.] PROTECTION OF

1 CRITICAL SLOPES.

2 (3) On-site drainage controls.

3 (4) Protection of specimen trees.

4 Section [10.19] 10.22. Exemptions.

5 The provisions of Sections [10-10] 10-11, [10-11] 10-12,  
6 [10-12] 10-13 and the criminal provisions of Section [10-20]  
7 10-23 shall not apply to municipal corporations, County or  
8 State agencies within the State or any public service company  
9 as defined in Article 78, Section 2 (O) of the Annotated Code  
10 Maryland [1976 Supplement] 1980 AS AMENDED, or any combination  
11 thereof.

12 Section [10.20] 10.23. Penalties.

13 (a) Any person convicted of violating the provisions of  
14 this Article shall be guilty of a misdemeanor, and upon conviction  
15 thereof, shall be subject to a fine of not more than One Thousand  
16 Dollars (\$1,000) for each and every violation. Each day that  
17 the violation continues shall be a separate offense. In addition  
18 thereto, the County may institute injunctive, mandamus or any  
19 other appropriate action or proceedings at law or equity for the  
20 enforcement of this Article or to correct violations of this  
21 Article, and any court of competent jurisdiction shall have the  
22 right to issue restraining orders, temporary or permanent injunc-  
23 tions or mandamus or other appropriate forms of remedy or relief.

24 (b) In addition to the above enumerated penalties, the  
25 County may, if it finds a violation of this Article, withhold  
26 any building permits of the violator and/or issue stop work orders  
27 on work being done pursuant to a County building permit.

28 Section 2. And Be It Further Enacted, that this Act shall take  
29 effect sixty (60) calendar days from the date it becomes law.

30 EFFECTIVE: September 22, 1981

31

32

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BY THE COUNCIL

Read the third time, Bill No. 81-41 (as amended)

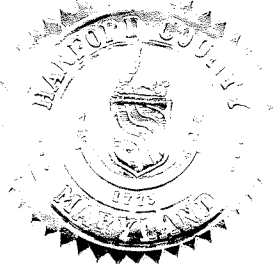
Passed LSD 81-22 (July 21, 1981) (with amendments)

~~XXXXXXXXXXXXXXXXXX~~

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive  
for his approval this 22nd day of July, 1981  
at 3:00 o'clock P.M.



Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

Aug County Executive  
Date 7/24/81

BY THE COUNCIL

This Bill (No. 81-41 (as amended), having been approved by  
the Executive and returned to the Council, becomes law on  
July 24, 1981.

Angela Markowski, Secretary

Rec'd & Recorded 91-18 1981 at 1:00 P. M.  
Lib. 6 Folio 649 & examined per  
H. Douglas Chilcoat, Clerk, Harford Co.

EFFECTIVE DATE: September 22, 1981